

DEP ignores its own deadline to curb Passaic River polluter

NEWARK STAR LEDGER

4/3/78

37284

By GORDON BISHOP

The New Jersey Department of Environmental Protection has failed to enforce an order it issued two months ago to stop pollution of the upper Passaic River near an abandoned asbestos dump owned by National Gypsum Co.

The compliance date of the administrative order expired March 23 — but neither the state nor the legal owner of the dump has taken any action to correct the problem, a Star-Ledger investigation of the site and parties involved revealed.

The Department of Environmental Protection (DEP) has known since last summer of the existence of the man-made mountain of wastes along the banks of the Passaic River in Millington.

The DEP waited until Feb. 16, however, to issue an administrative order to abate the pollution.

The department gave National Gypsum Co. 30 days, under the order, to start work at the site to prevent gypsum-asbestos wastes from leaking into the river.

A site inspection showed nothing has been done to control the runoff of asbestos — a known cancer-causing agent — directly into the river.

The U.S. Environmental Protection Agency (EPA) has found 700,000 parts of asbestos fibers per liter in the raw river water, an amount the EPA considers "insignificant."

The federal agency, however, is conducting tests to determine the long-term effects of low-level ingestion of asbestos into the human organism.

Treated drinking water taken from the river also has been sampled by the EPA, but no asbestos fibers have been detected.

A spokesman for National Gypsum Co. claims the asbestos poses "no imminent health hazard" and that the firm is awaiting the next move by the state before deciding what to do.

Deborah Poritz, a deputy attorney general handling the matter for the DEP, disclosed that failure to comply with the order can result in a fine of \$3,000 per day.

Poritz noted that the department has not yet decided whether to hold an administrative hearing, or to seek a

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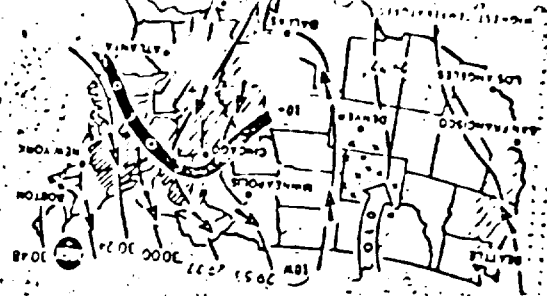
Photo by Gordon Bishop

Jean Geiger of Millington checks erosion of asbestos into the upper reaches of the Passaic River



**Guard
killed**

An unidentified
guard was shot to
death in a night in
up



DEP fails to enforce Passaic River order

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court injunction to force National Gypsum to comply with the order.

Joseph E. Irenas, environmental lawyer with McCarter & English law firm, Newark, representing the gypsum manufacturer, challenged the validity of the DEP order.

"We want to resolve this matter in the interest of everybody, but we're not sure who's responsibility it is," Irenas said. "Those wastes were dumped there before National Gypsum moved into the plant in 1952."

The history of the Millington plant shows that Asbestos, Ltd., began operations there in 1927.

For the next 20 years, wastes produced at the plant were dumped in "settling pits" behind dikes built along the river, according to Clement Ruggerio, a retired gypsum worker who joined Asbestos, Ltd. in 1934.

"We ran everything (wastes) down to the river in those days, building dam upon dam," Ruggerio recalled. "The water ran right over those dams. We knew nothing then of health hazards or polluting the river."

In 1948, Asbestos, Ltd. sold the 11-acre site and three buildings next to the river to Smith Asbestos. Smith produced gypsum and continued to use the dump by the river, Ruggerio reported.

Gypsum, Buffalo, N.Y. has been handed the waste problem.

Jurewicz said he is working on a feasible plan that can be readily accomplished, and that the project probably could be done in a week once released to a contractor.

The state environmental department is seeking "interim" measures to stabilize the man-made river bank, and a long-term plan to prevent further waste contact with the waters of the upper Passaic River.

The question the DEP will have to answer is whether the long-term plan should be for five years, 50

years or 500 years.

Irenas said his goal is to "resolve the matter, not fight it."

Dr. Ronald Buchanan, chief of the bureau of hazardous and chemical wastes in the State Solid Waste Administration, said National Gypsum "came in with their attorneys and said they would fight the order."

Buchanan said he hopes to be able to start out-of-court negotiations to settle the conflict amicably.

If National Gypsum takes the position it is not the company's responsibility, Buchanan warned, the state will refer the case to the Appellate Division of Superior Court.

In 1952, National Gypsum acquired the Millington plant. Ruggerio said that wastes were disposed of at the site, but National Gypsum contends it stopped the practice.

"When National Gypsum acquired the property, it seeded the dump and vegetation gradually covered it," Irenas said.

A check of the site last week showed large washouts of the artificial asbestos-gypsum hill. There were several gullies leading to the river, and entire hillside sections were exposed along the river.

The substance was pasty white and bordered one side of the river for several hundred feet.

Mrs. Jean Geiger, a resident of Millington, says that nearby Myersville was "literally built on gypsum wastes," which was used as fill during the 1950s.

National Gypsum closed the plant in 1975 and a pesticide equipment company, Tifa, Ltd., is in the process of acquiring the Millington site.

The sale is being held up by the outstanding order against the property owner of record, National Gypsum.

E. L. Jurewicz, director of engineering services for Gold Bond Building Products, a division of National

APR 04 0205